

WAGONER COUNTY, OKLAHOMA  
IN DISTRICT COURT  
FILED  
FEB 9 2016  
JAMES L. FIGHT  
COURT CLERK

**IN THE DISTRICT COURT OF WAGONER COUNTY  
STATE OF OKLAHOMA**

GARRY BARNES,  
Plaintiff,

v.

RURAL WATER DISTRICT #4,  
Defendant.

)  
)  
)  
)  
)  
)  
)

CJ-2015 62

**PETITION**

The Plaintiff Gary Barnes (Plaintiff) by and through his attorney, Brendan M. McHugh, hereby submits His Petition against Rural Water District #4 (Defendant). In support thereof, Plaintiff alleges and states as follows:

1. Plaintiff is an individual who is a former employee of Defendant.
2. Plaintiff is in a protected class in that he is African American and Defendant engaged in race discrimination and national origin discrimination in violation of 42 U.S. C. §1981 by terminating Plaintiff based on his race. Such conduct also includes invidious race discrimination and creating a hostile work environment.
3. Further, Plaintiff engaged in protected activity when he complained to his supervisor about white workers getting preferential overtime and asking his supervisor about EEOC forms.
4. Defendant retaliated against Plaintiff.
5. Defendant is a Rural Water District located in Wagoner County.
6. Plaintiff's race was a significant motivating factor.
7. Plaintiff was hired July 2012 as a Meter Reader/Maintenance. On July 30, 2012, Plaintiff was placed on probation until January 28, 2013. White employees were placed on 90 day probation by Rick Lane, Manager and Adam Bindrum, Supervisor. Plaintiff was discriminated against because of his race because he was given a longer probation. Plaintiff was denied the

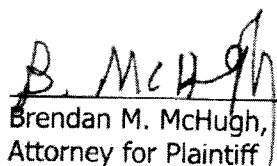
ability to operate heavy equipment to dig holes when he was certified to do so. Plaintiff was told he was too slow reading the meters and was denied overtime by Rick Lane and Adam Bindrum. Plaintiff was discharged April 30, 2013.

8. As a result of Defendant's conduct, Plaintiff has sustained substantial damages in excess of \$75,000.00.

9. Defendant acted with reckless disregard for the rights of Plaintiff, intentionally and with malice and with conscious disregard of the federally secured rights of Plaintiff and as such, punitive damages in excess of \$75,000.00 should be assessed against them.

10. That Plaintiff should be awarded a reasonable amount of attorney fees and costs incurred herein.

WHEREFORE, for all of the foregoing reasons, Plaintiff respectfully requests an award of actual damages in excess of \$75,000.00, an award of punitive damages in excess of \$10,000.00, the costs of this action and any other and further relief this Court deems proper.



Brendan M. McHugh, OBA #18422  
Attorney for Plaintiff  
P.O. Box 1392  
Claremore, OK 74018  
(918) 283-4542  
Fax: (918) 803-4910  
brendan@lawinok.com

**ATTORNEY LIEN CLAIMED**

**JURY TRIAL DEMANDED**